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THE CONSTITUTIONAL CONVENTION.

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CONSTITUTION OF NEW HAMPSHIRE

AS AMENDED BY THE

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CONSTITUTIONAL CONVENTION

HELD AT CONCORD

ON THE FIRST WEDNESDAY OF JANUARY, A. D. 1889

WITH THE

SEVERAL QUESTIONS

INVOLVING THE

AMENDMENTS PROPOSED

As submitted by the Convention to the
Vote of the People.

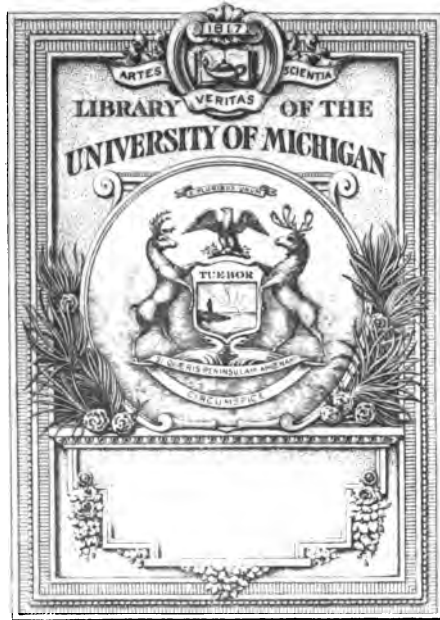
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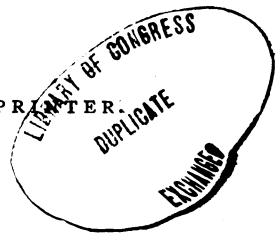
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THE STATE OF NEW HAMPSHIRE.

IN CONSTITUTIONAL CONVENTION HELD AT CONCORD, ON THE
FIRST WEDNESDAY OF JANUARY, IN THE YEAR OF OUR LORD
ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE.

Following is the Constitution, as altered and amended by the
Convention, the words printed in the text in *italics*, and *inclosed*
in brackets, being words inserted by the Convention, and the
figures in the text referring to marginal notes, where the words
stricken out by the Convention are given.

CONSTITUTION OF NEW HAMPSHIRE.

PART FIRST.

BILL OF RIGHTS.

ARTICLE 1. All men are born equally free and independent ;
therefore all government of right originates from the people, is
founded in consent, and instituted for the general good.

ART. 2. All men have certain natural, essential, and inhe-
rent rights ; among which are the enjoying and defending life
and liberty ; acquiring, possessing, and protecting property ; and,
in a word, of seeking and obtaining happiness.

ART. 3. When men enter into a state of society they surren-
der up some of their natural rights to that society, in order to
insure the protection of others ; and without such an equivalent,
the surrender is void.

ART. 4. Among the natural rights, some are in their very
nature unalienable, because no equivalent can be given or con-
ceived for them. Of this kind are the RIGHTS OF CONSCIENCE.

ART. 5. Every individual has a natural and unalienable right
to worship God according to the dictates of his own conscience

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and reason; and no subject shall be hurt, molested, or restrained in his person, liberty, or estate, for worshiping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession, sentiments, or persuasion, provided he doth not disturb the public peace, or disturb others in their religious worship.

ART. 6. As morality and piety, rightly grounded,¹ will give the best and greatest security to government, and will lay in the hearts of men the strongest obligations to due subjection, and as the knowledge of these is most likely to be propagated through a society by the institution of the public worship of the DEITY and of public instruction in morality and religion, therefore, to promote these important purposes, the people of this State have a right to empower, and do hereby fully empower, the Legislature to authorize, from time to time, the² religious societies within this State to make adequate provision, at their own expense, for the support and maintenance of public³ teachers of piety, religion, and morality.⁴ The several⁵ religious societies shall at all times have the exclusive right of electing their own public teachers, and of contracting with them for their support and maintenance. And no person of any one particular religious sect or denomination shall ever be compelled to pay toward the support of the teacher or teachers of another persuasion, sect, or denomination. And every [*religious sect or*] denomination,⁶ demeaning themselves quietly and as good subjects of the State, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.

ART. 7. The people of this State have the sole and exclusive right of governing themselves as a free, sovereign, and independent State, and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right pertaining thereto which is not or may not hereafter be by them expressly delegated to the United States of America in Congress assembled.

ART. 8. All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents and at all times accountable to them.

ART. 9. No office or place whatsoever in government shall be hereditary, the abilities and integrity requisite in all not being transmissible to posterity or relations.

1. The words "on evangelical principles" stricken out.

2. The words "several towns, parishes, bodies corporate, or" stricken out.

3. The word "Protesant" stricken out.

4. The words "Provided, notwithstanding, that" stricken out.

5. The words "towns, parishes, bodies corporate, or" stricken out.

6. The words "of Christians" stricken out.

ART. 10. Government being instituted for the common benefit, protection, and security of the whole community, and not for the private interest or emolument of any one man, family, or class of men, therefore, whenever the ends of government are perverted and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to, reform the old or establish a new government. The doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

ART. 11. All elections ought to be free ; and every inhabitant of the State, having the proper qualifications, has equal right to elect and be elected into office.

ART. 12. Every member of the community has a right to be protected by it in the enjoyment of his life, liberty, and property. He is, therefore, bound to contribute his share in the expense of such protection, and to yield his personal service, when necessary, or an equivalent. But no part of a man's property shall be taken from him or applied to public uses without his own consent or that of the representative body of the people. Nor are the inhabitants of this State controllable by any other laws than those to which they or their representative body have given their consent.

ART. 13. No person who is conscientiously scrupulous about the lawfulness of bearing arms shall be compelled thereto, provided he will pay an equivalent. .

ART. 14. Every subject of this State is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character ; to obtain right and justice freely, without being obliged to purchase it ; completely, and without any denial ; promptly, and without any delay ; conformably to the laws.

ART. 15. No subject shall be held to answer for any crime or offence until the same is fully and plainly, substantially and formally, described to him, or be compelled to accuse or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to himself, to meet the witnesses against him face to face, and to be fully heard in his defence by himself and counsel. And no subject shall be arrested, imprisoned, despoiled or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers or the law of the land.

ART. 16. No subject shall be liable to be tried, after an acquittal, for the same crime or offence ; nor shall the Legislature make any law that shall subject any person to a capital punishment

(excepting for the government of the army and navy, and the militia in actual service) without trial by jury.

ART. 17. In criminal prosecutions, the trial of facts in the vicinity where they happen is so essential to the security of the life, liberty, and estate of the citizen, that no crime or offence ought to be tried in any other county than that in which it is committed, except in cases of general insurrection in any particular county, when it shall appear to the judges of the superior court that an impartial trial cannot be had in the county where the offence may be committed, and, upon their report, the Legislature shall think proper to direct the trial in the nearest county in which an impartial trial can be obtained.

ART. 18. All penalties ought to be proportioned to the nature of the offence. No wise Legislature will affix the same punishment to the crimes of theft, forgery, and the like, which they do to those of murder and treason. Where the same undistinguishing severity is exerted against all offences, the people are led to forget the real distinction in the crimes themselves and to commit the most flagrant with as little compunction as they do the lightest offences. For the same reason, a multitude of sanguinary laws is both impolitic and unjust, the true design of all punishments being to reform, not to exterminate, mankind.

ART. 19. Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. Therefore, all warrants to search suspected places or arrest a person for examination or trial, in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order, in a warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant ought to be issued but in cases and with the formalities prescribed by law.

ART. 20. In all controversies concerning property and in all suits between two or more persons, except in cases in which it has been heretofore otherwise used and practiced, and except in cases in which the value in controversy does not exceed one hundred dollars and title of real estate is not concerned, the parties have a right to trial by jury; and this method of procedure shall be held sacred, unless, in cases arising on the high seas and such as relate to mariners' wages, the Legislature shall think it necessary hereafter to alter it.

ART. 21. In order to reap the fullest advantage of the inestimable privilege of trial by jury, great care ought to be taken that none but qualified persons should be appointed to serve;

and such ought to be fully compensated for their travel, time, and attendance.

ART. 22. The *liberty of the press* is essential to the security of freedom in a State ; it ought, therefore, to be inviolably preserved.

ART. 23. Retrospective laws are highly injurious, oppressive, and unjust. No such laws, therefore, should be made, either for the decision of civil causes or the punishment of offences.

ART. 24. A well-regulated militia is the proper, natural, and sure defence of a State.

ART. 25. Standing armies are dangerous to liberty, and ought not to be raised or kept up without the consent of the Legislature.

ART. 26. In all cases and at all times the military ought to be under strict subordination to, and governed by, the civil power.

ART. 27. No soldier in time of peace shall be quartered in any house without the consent of the owner ; and in time of war such quarters ought not to be made but by the civil magistrate, in a manner ordained by the Legislature.

ART. 28. No subsidy, charge, tax, impost, or duty shall be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the Legislature, or authority derived from that body.

ART. 29. The power of suspending the laws or the execution of them ought never to be exercised but by the Legislature, or by authority derived therefrom, to be exercised in such particular cases only as the Legislature shall expressly provide for.

ART. 30. The freedom of deliberation, speech, and debate in either house of the Legislature is so essential to the rights of the people, that it cannot be the foundation of any action, complaint, or prosecution in any other court or place whatsoever.

ART. 31. The Legislature shall assemble for the redress of public grievances and for making such laws as the public good may require.

ART. 32. The people have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.

ART. 33. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

ART. 34. No person can in any case be subjected to law martial or to any pains or penalties by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the Legislature.

ART. 35. It is essential to the preservation of the rights of

every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices so long as they behave well, subject, however, to such limitations on account of age as may be provided by the Constitution of the State; and that they should have honorable salaries, ascertained and established by standing laws.

ART. 36. Economy being a most essential virtue in all States, especially in a young one, no pension should be granted but in consideration of actual services; and such pensions ought to be granted with great caution by the Legislature, and never for more than one year at a time.

ART. 37. In the government of this State, the three essential powers thereof — to wit, the legislative, executive, and judicial — ought to be kept as separate from, and independent of, each other as the nature of a free government will admit or as is consistent with that chain of connection that binds the whole fabric of the Constitution in one indissoluble bond of union and amity.

ART. 38. A frequent recurrence to the fundamental principles of the Constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government. The people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives; and they have a right to require of their lawgivers and magistrates an exact and constant observance of them in the formation and execution of the laws necessary for the good administration of government.

PART SECOND.

FORM OF GOVERNMENT.

ARTICLE I. The people inhabiting the territory formerly called The Province of New Hampshire do hereby solemnly and mutually agree with each other to form themselves into a free, sovereign, and independent body politic, or State, by the name of THE STATE OF NEW HAMPSHIRE.

GENERAL COURT.

ART. 2. The supreme legislative power within this State shall be vested in the Senate and House of Representatives, each of which shall have a negative on the other.

ART. 3. The Senate and House shall assemble biennially, on the first Wednesday of [*January*¹] and at such other times as they may judge necessary, and shall dissolve and be dissolved seven days next preceding the said first Wednesday of [*January*¹] biennially, and shall be styled THE GENERAL COURT OF NEW HAMPSHIRE.

ART. 4. The General Court shall forever have full power and authority to erect and constitute judicatories and courts of record or other courts, to be holden in the name of the State, for the hearing, trying, and determining all manner of crimes, offences, pleas, processes, complaints, actions, causes, matters and things whatsoever, arising or happening within this State, or between or concerning persons inhabiting or residing or brought within the same, whether the same be criminal or civil, or whether the crimes be capital or not capital, and whether the said pleas be real, personal, or mixed, and for the awarding and issuing execution thereon, to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations for the better discovery of truth in any matter in controversy or depending before them.

ART. 5. And, further, full power and authority are hereby given and granted to the said General Court, from time to time, to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties or without, so as the same be not repugnant or contrary to this Constitution, as they may judge for the benefit and welfare of this State and for the governing and ordering thereof and of the subjects of the same, for the necessary support and defence of the government thereof; and to name and settle biennially, or provide by fixed laws for the naming and settling of, all civil officers within this State, such officers excepted the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits of the several civil and military officers of this State, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this Con-

1. The word "June" stricken out and the word "January" inserted.

stitution; and also to impose fines, mulcts, imprisonments, and other punishments; and to impose and levy proportional and reasonable assessments, rates, and taxes upon all the inhabitants of, and residents within, the said State, and upon all estates within the same, to be issued and disposed of by warrant, under the hand of the Governor of this State for the time being, with the advice and consent of the Council, for the public service, in the necessary defence and support of the government of this State and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same. *Provided*, that the General Court shall not authorize any town to loan or give its money or credit, directly or indirectly, for the benefit of any corporation having for its object a dividend of profits, or in any way aid the same by taking its stock or bonds.

ART. 6. And, while the public charges of government or any part thereof shall be assessed on polls and estates in the manner that has heretofore been practiced, in order that such assessments may be made with equality, there shall be a valuation of the estates within the State taken anew once in every five years, at least, and as much oftener as the General Court shall order.

ART. 7. No member of the General Court shall take fees, be of counsel, or act as advocate in any cause before either branch of the Legislature; and upon due proof thereof, such member shall forfeit his seat in the Legislature.

ART. 8. The doors of the galleries of each house of the Legislature shall be kept open to all persons who behave decently, except when the welfare of the State, in the opinion of either branch, shall require secrecy.

HOUSE OF REPRESENTATIVES.

ART. 9. There shall be, in the Legislature of the State, a representation of the people, biennially elected, and founded upon the principles of equality; and, in order that such representation may be as equal as circumstances will admit, every town, or place entitled to town privileges, and wards of cities having six hundred inhabitants by the last general census of the State, taken by authority of the United States or of this State, may elect one representative; if eighteen hundred such inhabitants, may elect two representatives; and so proceeding in that proportion, making twelve hundred such inhabitants the mean increasing number for any additional representative. *Provided*, that no town shall be divided or the boundaries of the wards of any city so altered as to in-

crease the number of representatives to which such town or city may be entitled by the next preceding census; *and provided, further*, that to those towns and cities which since the last census have been divided or had their boundaries or ward lines changed, the General Court, in session next before these amendments shall take effect, shall equitably apportion representation in such manner that the number shall not be greater than it would have been had no such division or alteration been made.

ART. 10.¹

ART. 11. Whenever any town, place, or city ward shall have less than six hundred such inhabitants,² the General Court [*shall*³] authorize such town, place, or ward to elect and send to the General Court [*a representative*] such proportionate part of the time as the number of its inhabitants shall bear to six hundred; but the General Court shall not authorize any [*such*] town, place, or ward to elect and send such representative, except as herein provided.

ART. 12. The members of the House of Representatives shall be chosen biennially, in the month of November, and shall be the second branch of the Legislature.

ART. 13. All persons qualified to vote in the election of senators shall be entitled to vote within the district where they dwell, in the choice of representatives.

ART. 14. Every member of the House of Representatives shall be chosen by ballot, and for two years, at least, next preceding his election, shall have been an inhabitant of this State; shall be, at the time of his election, an inhabitant of the town, parish, or place he may be chosen to represent; and shall cease to represent such town, parish, or place immediately on his ceasing to be qualified as aforesaid.

ART. 15. [*The presiding officers of both houses of the Legislature shall severally receive out of the state treasury as compensation in full for their services, for the term elected, the sum of two hundred and fifty dollars, and all other members thereof seasonably attending and not departing without license, the sum of two hundred dollars, exclusive of mileage; provided, however, that when a special session shall be called by the Governor, such officers and members shall receive for attendance an additional compensation of three dollars per day for a period not exceeding fifteen days, and the usual mileage.*⁴]

1. Article 10 stricken out.

2. The words "and be so situated that it cannot be conveniently classed with any other town, place, or ward," stricken out.

3. The word "may" stricken out.

4. Article 15, "The members of both houses of the Legislature shall be compensated for their services out of the treasury of the State by a law made for that purpose, such members attending seasonably and not departing without license," stricken out.

ART. 16. All intermediate vacancies in the House of Representatives may be filled up, from time to time, in the same manner as biennial elections are made.

ART. 17. The House of Representatives shall be the grand inquest of the State, and all impeachments made by them shall be heard and tried by the Senate.

ART. 18. All money bills shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills.

ART. 19. The House of Representatives shall have power to adjourn themselves, but no longer than two days at a time.

ART. 20. A majority of the members of the House of Representatives shall be a quorum for doing business, but, when less than two thirds of the representatives elected shall be present, the assent of two thirds of those members shall be necessary to render their acts and proceedings valid.

ART. 21. No member of the House of Representatives or Senate shall be arrested or held to bail on mesne process, during his going to, returning from, or attendance upon, the court.

ART. 22. The House of Representatives shall choose their own speaker, appoint their own officers, and settle the rules of proceedings in their own House, and shall be judge of the returns, elections, and qualifications of its members, as pointed out in this Constitution. They shall have authority to punish by imprisonment every person who shall be guilty of disrespect to the House, in its presence, by any disorderly and contemptuous behavior, or by threatening or ill-treating any of its members, or by obstructing its deliberations; every person guilty of a breach of its privileges in making arrests for debt, or by assaulting any member during his attendance at any session; in assaulting or disturbing any one of its officers in the execution of any order or procedure of the House; in assaulting any witness or other person ordered to attend by, and during his attendance of, the House, or in rescuing any person arrested by order of the House, knowing them to be such.

ART. 23. The Senate, Governor, and Council shall have the same powers in like cases, *provided*, that no imprisonment by either for any offence exceed ten days.

ART. 24. The journals of the proceedings and all public acts of both houses of the Legislature shall be printed and published immediately after every adjournment or prorogation, and, upon motion made by any one member, the yeas and nays of any question shall be entered on the journal, and any member of the Senate or House of Representatives shall have a right, on motion made at the same time for that purpose, to have his pro-

test or dissent, with the reasons, against any vote, resolve, or bill passed, entered on the journal.

SENATE.

ART. 25. The Senate shall consist of twenty-four members, who shall hold their office for two years from the first Wednesday of [January¹] next ensuing their election.

ART. 26. And, that the State may be equally represented in the Senate, the Legislature shall, from time to time, divide the State into twenty-four districts, as nearly equal as may be without dividing towns and unincorporated places; and, in making this division, they shall govern themselves by the proportion of direct taxes paid by the said districts, and timely make known to the inhabitants of the State the limits of each district.

ART. 27. The freeholders and other inhabitants of each district, qualified as in this Constitution is provided, shall, biennially, give in their votes for a senator at some meeting holden in the month of November.

ART. 28. The Senate shall be the first branch of the Legislature, and the senators shall be chosen in the following manner, viz.: every male inhabitant of each town, and parish with town privileges, and places unincorporated, in this State, at twenty-one years of age and upward, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the biennial or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden biennially, forever, in the month of November, to vote, in the town or parish wherein he dwells, for the senator in the district whereof he is a member.

ART. 29. *Provided, nevertheless,* that no person shall be capable of being elected a senator who is not of the age of thirty years, and who shall not have been an inhabitant of this State for seven years immediately preceding his election; and, at the same time thereof, he shall be an inhabitant of the district for which he shall be chosen.

ART. 30. And every person qualified as the Constitution provides shall be considered an inhabitant, for the purpose of electing and being elected into any office or place within this State, in the town, parish, and plantation where he dwelleth and hath his home.

ART. 31. And the inhabitants of plantations and places unincorporated, qualified as this Constitution provides, who are or shall be required to assess taxes upon themselves toward the support of government, or shall be taxed therefor, shall have the

1. The word "June" stricken out and the word "January" inserted.

same privilege of voting for senators, in the plantations and places wherein they reside, as the inhabitants of the respective towns and parishes aforesaid have. And the meetings of such plantations and places, for that purpose, shall be holden biennially in the month of November, at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns by this Constitution.

ART. 32. The meetings for the choice of Governor, Council, and senators shall be warned by warrant from the selectmen, and governed by a moderator, who shall, in the presence of the selectmen (whose duty it shall be to attend), in open meeting, receive the votes of all the inhabitants of such towns and parishes present and qualified to vote for senators; and shall, in said meetings, in presence of the said selectmen and of the town clerk in said meetings, sort and count the said votes, and make a public declaration thereof, with the name of every person voted for and the number of votes for each person; and the town clerk shall make a fair record of the same, at large, in the town book, and shall make out a fair attested copy thereof, to be by him sealed up and directed to the secretary of the State, with a superscription expressing the purport thereof; and the said town clerk shall cause such attested copy to be delivered to the sheriff of the county in which said town or parish shall lie thirty days, at least, before the first Wednesday of [January,¹] or to the secretary of the State at least twenty days before the said first Wednesday of [January;¹] and the sheriff of each county or his deputy shall deliver all such certificates by him received into the secretary's office at least twenty days before the first Wednesday of [January.¹]

ART. 33. And, that there may be a due meeting of senators on the first Wednesday of [January,¹] biennially, the Governor and a majority of the Council for the time being shall, as soon as may be, examine the returned copies of such records, and, fourteen days before the first Wednesday of [January,¹] he shall issue his summons to such persons as appear to be chosen senators by a majority of votes to attend and take their seats on that day; *provided, nevertheless,* that, for the first year, the said returned copies shall be examined by the president and a majority of the Council then in office; and the said president shall, in like manner, notify the persons elected to attend and take their seats accordingly.

ART. 34. And, in case there shall not appear to be a senator elected by a majority of votes for any district, the deficiency

1. The word "June" stricken out and the word "January" inserted.

shall be supplied in the following manner, viz. : the members of the House of Representatives and such senators as shall be declared elected shall take the names of the two persons having the highest number of votes in the district, and out of them shall elect, by joint ballot, the senator wanted for such district ; and, in this manner, all such vacancies shall be filled up in every district of the State ; [*all vacancies in the Senate arising by death, removal out of the State, or otherwise, except from failure to elect, shall be filled by a new election by the people of the district upon the requisition of the Governor as soon as may be after such vacancies shall happen.*']

ART. 35. The Senate shall be final judges of the elections, returns, and qualifications of their own members, as pointed out in this Constitution.

ART. 36. The Senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time ; *provided, nevertheless*, that, whenever they shall sit on the trial of any impeachment, they may adjourn to such time and place as they may think proper, although the Legislature be not assembled on such day or at such place.

ART. 37. The Senate shall appoint their president and other officers and determine their own rules of proceedings. And not less than thirteen members of the Senate shall make a quorum for doing business ; and, when less than sixteen senators shall be present, the assent of ten, at least, shall be necessary to render their acts and proceedings valid.

ART. 38. The Senate shall be a court, with full power and authority to hear, try, and determine all impeachments made by the House of Representatives against any officer or officers of the State, for bribery, corruption, malpractice, or maladministration in office, with full power to issue summons or compulsory process for convening witnesses before them ; but, previous to the trial of any such impeachment, the members of the Senate shall respectively be sworn truly and impartially to try and determine the charge in question, according to evidence. And every officer impeached for bribery, corruption, malpractice, or maladministration in office shall be served with an attested copy of the impeachment and order of Senate thereon, with such citation as the Senate may direct, setting forth the time and place of their sitting to try the impeachment ; which service shall be made by the sheriff or such other sworn officer as the Senate may appoint, at least fourteen days previous to the time of trial ; and, such citation being duly served and returned, the Senate may proceed

1. The words "and, in like manner, all vacancies in the Senate, arising by death, removal out of the State, or otherwise, shall be supplied as soon as may be after such vacancies happen," stricken out.

in the hearing of the impeachment, giving the person impeached, if he shall appear, full liberty of producing witnesses and proofs and of making his defence by himself and counsel; and may, also, upon his refusing or neglecting to appear, hear the proofs in support of the impeachment, and render judgment thereon, his non-appearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded in the trial.

ART. 39. Their judgment, however, shall not extend further than removal from office, disqualification to hold or enjoy any place of honor, trust, or profit under this State; but the party so convicted shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to the laws of the land.

ART. 40. Whenever the Governor shall be impeached, the chief justice of the supreme judicial court shall, during the trial, preside in the Senate, but have no vote therein.

EXECUTIVE POWER.

GOVERNOR.

ART. 41. There shall be a supreme executive magistrate, who shall be styled Governor of the State of New Hampshire, and whose title shall be *His Excellency*.

ART. 42. The Governor shall be chosen biennially, in the month of November, and the votes for Governor shall be received, sorted, counted, certified, and returned in the same manner as the votes for senators; and the secretary shall lay the same before the Senate and House of Representatives on the first Wednesday of [*January,*¹] to be by them examined; and, in case of an election by a majority of votes through the State, the choice shall be by them declared and published; and the qualifications of electors of the Governor shall be the same as those for senators; and, if no person shall have a majority of votes, the Senate and House of Representatives shall, by a joint ballot, elect one of the two persons having the highest number of votes, who shall be declared Governor. And no person shall be eligible to this office unless, at the time of his election, he shall have been an inhabitant of this State for seven years next preceding, and unless he shall be of the age of thirty years.

ART. 43. In cases of disagreement between the two houses with regard to the time or place of adjournment or prorogation, the Governor, with advice of Council, shall have the right to adjourn or prorogue the General Court, not exceeding ninety

1. The word "June" stricken out and the word "January" inserted.

days at any one time, as he may determine the public good may require; and he shall dissolve the same seven days before the said first Wednesday of [*January*.¹] And, in case of any infectious distemper prevailing in the place where the said Court at any time is to convene, or any other cause whereby dangers may arise to the health or lives of the members from their attendance, the Governor may direct the session to be holden at some other, the most convenient, place within the State.

ART. 44. Every bill which shall have passed both houses of the General Court shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with such objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two thirds of that house, it shall become a law. But, in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature, by their adjournment, prevent its return, in which case it shall not be a law.

ART. 45. Every resolve shall be presented to the Governor, and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

ART. 46. All judicial officers, the attorney-general, coroners, and all officers of the navy and general and field officers of the militia shall be nominated and appointed by the Governor and Council; and every such nomination shall be made at least three days prior to such appointment; and no appointment shall take place unless a majority of the Council agree thereto.

ART. 47. The Governor and Council shall have a negative on each other, both in the nominations and appointments. Every nomination and appointment shall be signed by the Governor and Council, and every negative shall be also signed by the Governor or Council who made the same.

ART. 48. The captains and subalterns in the respective regiments shall be nominated and recommended by the field officers

1. The word "June" stricken out and the word "January" inserted.

to the Governor, who is to issue their commissions immediately on receipt of such recommendation.

ART. 49. Whenever the chair of the Governor shall become vacant, by reason of his death, absence from the State, or otherwise, the president of the Senate shall, during such vacancy, have and exercise all the powers and authorities which, by this Constitution, the Governor is vested with when personally present; but, when the president of the Senate shall exercise the office of Governor, he shall not hold his office in the Senate. [*Whenever the chair both of the Governor and of the president of the Senate shall become vacant, by reason of their death, absence from the State, or otherwise, the speaker of the House shall, during such vacancies, have and exercise all the powers and authorities which, by this Constitution, the Governor is vested with when personally present; but when the speaker of the House shall exercise the office of Governor, he shall not hold his office in the House.*]

ART. 50. The Governor, with advice of Council, shall have full power and authority, in recess of the General Court, to prorogue the same from time to time, not exceeding ninety days in any one recess of said Court; and, during the sessions of said Court, to adjourn or prorogue it to any time the two houses may desire; and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the State should require the same.

ART. 51. The Governor of this State, for the time being, shall be commander-in-chief of the army and navy and all the military forces of the State by sea and land; and shall have full power, by himself or by any chief commander or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of this State, to assemble in martial array and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them to encounter, repulse, repel, resist, and pursue by force of arms, as well by sea as by land, within and without the limits of this State; and, also, to kill, slay, destroy, if necessary, and conquer by all fitting ways, enterprise, and means, all and every such person and persons as shall at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this State; and to use and exercise over the army and navy and over the militia in actual service the law martial in time of war, invasion, and, also, in rebellion declared by the Legislature to exist, as occasion shall necessarily require; and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade or attempt the invading, conquering, or annoying this State; and, in fine, the

Governor hereby is intrusted with all other powers incident to the office as captain-general and commander-in-chief and admiral, to be exercised agreeably to the rules and regulations of the Constitution and laws of the land ; *provided*, that the Governor shall not at any time hereafter, by virtue of any power by this Constitution granted, or hereafter to be granted to him by the Legislature, transport any of the inhabitants of this State or oblige them to march out of the limits of the same without their free and voluntary consent or the consent of the General Court, nor grant commissions for exercising the law martial in any case without the advice and consent of the Council.

ART. 52. The power of pardoning offences, except such as persons may be convicted of before the Senate, by impeachment of the House, shall be in the Governor, by and with the advice of Council ; but no charter of pardon, granted by the Governor, with advice of Council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

ART. 53. No officer, duly commissioned to command in the militia, shall be removed from his office but by the address of both houses to the Governor or by fair trial in court-martial pursuant to the laws of the State for the time being.

ART. 54. The commanding officers of the regiments shall appoint their adjutants and quartermasters ; the brigadiers, their brigade-majors ; the major-generals, their aids ; the captains and subalterns, their non-commissioned officers.

ART. 55. The division of the militia into brigades, regiments, companies, made in pursuance of the militia laws now in force, shall be considered as the proper division of the militia of this State, until the same shall be altered by some future law.

ART. 56. No moneys shall be issued out of the treasury of this State and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the Governor for the time being, by and with the advice and consent of the Council, for the necessary support and defence of this State, and for the necessary protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the General Court.

ART. 57. All public boards, the commissary-general, all superintending officers of public magazines and stores belonging to this State, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times when required by the Governor, deliver to him an account of all goods, stores, provisions,

ammunition, cannon with their appendages, and all small arms with their accoutrements, and all other public property under their care respectively, distinguishing the quantity and kind of each as particularly as may be, together with the condition of such forts and garrisons. And the commanding officer shall exhibit to the Governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors, adjacent.

ART. 58. The Governor and Council shall be compensated for their services, from time to time, by such grants as the General Court shall think reasonable.

ART. 59. Permanent and honorable salaries shall be established by law for the justices of the superior court.

COUNCIL.

ART. 60. There shall be biennially elected by ballot five councilors, for advising the Governor in the executive part of government. The freeholders and other inhabitants in each county, qualified to vote for senators, shall, some time in the month of November, give in their votes for one councilor, which votes shall be received, sorted, counted, certified, and returned to the secretary's office, in the same manner as the votes for senators, to be by the secretary laid before the Senate and House of Representatives on the first Wednesday of [*January*.¹]

ART. 61. And the person having a majority of votes in any county shall be considered as duly elected a councilor; but if no person shall have a majority of votes in any county, the Senate and House of Representatives shall take the names of the two persons who have the highest number of votes in each county, and not elected, and, out of those two, shall elect, by joint ballot, the councilor wanted for such county; and the qualifications for councilors shall be the same as for senator.

ART. 62. If any person thus chosen a councilor shall be elected Governor or member of either branch of the Legislature and shall accept the trust, or if any person elected a councilor shall refuse to accept the office, or in case of the death, resignation, or removal of any councilor out of the State, the Governor may issue a precept for the election of a new councilor in that county where such vacancy shall happen; and the choice shall be in the same manner as before directed; and the Governor shall have full power and authority to convene the Council, from time to time, at his discretion; and, with them or the majority of them, may and shall, from time to time, hold a council for

1. The word "June" stricken out and the word "January" inserted.

ordering and directing the affairs of this State, according to the laws of the land.

ART. 63. The members of the Council may be impeached by the House and tried by the Senate for bribery, corruption, malpractice, or maladministration.

ART. 64. The resolutions and advice of the Council shall be recorded by the secretary in a register, and signed by all the members present agreeing thereto; and this record may be called for at any time by either house of the Legislature; and any member of the Council may enter his opinion contrary to the resolution of the majority, with the reasons for such opinion.

ART. 65. The Legislature may, if the public good shall hereafter require it, divide the State into five districts, as nearly equal as may be, governing themselves by the number of ratable polls and proportion of public taxes, each district to elect a councilor; and, in case of such division, the manner of the choice shall be conformable to the present mode of election in counties.

ART. 66. And, whereas the elections appointed to be made by this Constitution on the first Wednesday of [*January*¹] biennially, by the two houses of the Legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same be completed. And the order of the elections shall be as follows: The vacancies in the Senate, if any, shall be first filled up; the Governor shall then be elected, provided there shall be no choice of him by the people; and, afterwards, the two houses shall proceed to fill up the vacancy, if any, in the Council.

SECRETARY, TREASURER, COMMISSARY-GENERAL, ETC.

ART. 67. The secretary, treasurer, and commissary-general shall be chosen by joint ballot of the senators and representatives, assembled in one room.

ART. 68. The records of the State shall be kept in the office of the secretary; and he shall attend the Governor and Council, the Senate and Representatives, in person or by deputy, as they may require.

ART. 69. The secretary of the State shall at all times have a deputy, to be by him appointed, for whose conduct in office he shall be responsible; and, in case of the death, removal, or inability of the secretary, his deputy shall exercise all the duties of the office of secretary of this State until another shall be appointed.

1. The word "June" stricken out and the word "January" inserted.

ART. 70. The secretary, before he enters upon the business of his office, shall give bond, with sufficient sureties, in a reasonable sum, for the use of the State, for the punctual performance of his trust.

ART. 71. The county treasurers, registers of probate, solicitors, sheriffs, and registers of deeds shall be elected by the inhabitants of the several towns in the several counties in the State, according to the method now practiced and the laws of the State; *provided, nevertheless*, the Legislature shall have authority to alter the manner of certifying the votes and the mode of electing those officers, but not so as to deprive the people of the right they now have of electing them.

ART. 72. And the Legislature, on the application of the major part of the inhabitants of any county, shall have authority to divide the same into two districts for registering deeds, if to them it shall appear necessary, each district to elect a register of deeds; and, before they enter upon the business of their offices, shall be respectively sworn faithfully to discharge the duties thereof, and shall severally give bond, with sufficient sureties, in a reasonable sum, for the use of the county, for the punctual performance of their respective trusts.

JUDICIARY POWER.

ART. 73. The tenure that all commissioned officers shall have by law in their offices shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting those concerning whom there is a different provision made in this Constitution; *provided, nevertheless*, the Governor, with consent of Council, may remove them upon the address of both houses of the Legislature.

ART. 74. Each branch of the Legislature, as well as the Governor and Council, shall have authority to require the opinions of the justices of the superior court upon important questions of law and upon solemn occasions.

ART. 75. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail in discharging the important duties of his office with ability and fidelity, all commissions of justices of the peace shall become void at the expiration of five years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the State.

ART. 76. All causes of marriage, divorce, and alimony, and all appeals from the respective judges of probate, shall be heard

and tried by the superior court, until the Legislature shall by law make other provision.

ART. 77. The General Court are empowered to give to justices of the peace jurisdiction in civil causes, when the damages demanded shall not exceed one hundred dollars, and title of real estate is not concerned, but with right of appeal to either party to some other court.

ART. 78. No person shall hold the office of judge of any court, or judge of probate, or sheriff of any county, after he has attained the age of seventy years.

ART. 79. No judge of any court or justice of the peace shall act as attorney, or be of counsel to any party, or originate any civil suit, in matters which shall come or be brought before him as judge or justice of the peace.

ART. 80. All matters relating to the probate of wills and granting letters of administration shall be exercised by the judges of probate in such manner as the Legislature have directed or may hereafter direct; and the judges of probate shall hold their courts at such place or places, on such fixed days, as the conveniency of the people may require, and the Legislature from time to time appoint.

ART. 81. No judge or register of probate shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any probate business which is pending or may be brought into any court of probate in the county of which he is judge or register.

CLERKS OF COURTS.

ART. 82. The judges of the courts (those of probate excepted) shall appoint their respective clerks, to hold their office during pleasure; and no such clerk shall act as an attorney or be of counsel in any cause in the court of which he is clerk, nor shall he draw any writ originating a civil action.

ENCOURAGEMENT OF LITERATURE, ETC.

ART. 83. Knowledge and learning generally diffused through a community being essential to the preservation of a free government, and spreading the opportunities and advantages of education through the various parts of the country being highly conducive to promote this end, it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools; to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of

the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections and generous sentiments, among the people. *Provided, nevertheless*, that no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination.

OATHS AND SUBSCRIPTIONS. — EXCLUSION FROM OFFICES. — COMMISSIONS. — WRITS. — CONFIRMATION OF LAWS. — HABEAS CORPUS. — THE ENACTING STYLE. — CONTINUANCE OF OFFICERS. — PROVISION FOR A FUTURE REVISION OF THE CONSTITUTION, ETC.

ART. 84. Any person chosen Governor, councilor, senator, or representative, military or civil officer (town officers excepted), accepting the trust, shall, before he proceeds to execute the duties of his office, make and subscribe the following declarations, viz. : I, A B, do solemnly swear that I will bear faith and true allegiance to the State of New Hampshire and will support the Constitution thereof. *So help me God.* I, A B, do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities, agreeably to the rules and regulations of this Constitution and the laws of the State of New Hampshire. *So help me God.* Any person having taken and subscribed the oath of allegiance, and the same being filed in the secretary's office, he shall not be obliged to take said oath again. *Provided, always*, when any person chosen or appointed as aforesaid shall be of the denomination called Quakers, or shall be scrupulous of swearing and shall decline taking the said oaths, such person shall take and subscribe them, omitting the word "*swear*," and likewise the words "*So help me God*," subjoining instead thereof, "*This I do under the pains and penalties of perjury.*"

ART. 85. And the oaths or affirmations shall be taken and subscribed by the Governor, before the president of the Senate, in presence of both houses of the Legislature; and by the senators and representatives first elected under this Constitution, as altered and amended, before the president of the State and a majority of the Council then in office, and forever afterward before the Governor and Council for the time being; and by all other officers, before such persons and in such manner as the Legislature shall from time to time appoint.

ART. 86. All commissions shall be in the name of the State of New Hampshire, signed by the Governor, and attested by the

secretary or his deputy, and shall have the great seal of the State affixed thereto.

ART. 87. All writs issuing out of the clerk's office, in any of the courts of law, shall be in the name of the State of New Hampshire, shall be under the seal of the court whence they issue, and bear teste of the chief, first, or senior justice of the court; but when such justice shall be interested, then the writ shall bear teste of some other justice of the court, to which the same shall be returnable; and be signed by the clerk of such court.

ART. 88. All indictments, presentments, and informations shall conclude, "*against the peace and dignity of the State.*"

ART. 89. The estate of such persons as may destroy their own lives shall not for that offence be forfeited, but descend or ascend in the same manner as if such persons had died in a natural way. Nor shall any article which shall accidentally occasion the death of any person be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

ART. 90. All the laws which have heretofore been adopted, used, and approved in the Province, Colony, or State of New Hampshire, and usually practiced on in the courts of law, shall remain and be in full force until altered and repealed by the Legislature, such parts thereof only excepted as are repugnant to the rights and liberties contained in this Constitution; *provided*, that nothing herein contained, when compared with the twenty-third article in the bill of rights, shall be construed to affect the laws already made respecting the persons or estates of absentees.

ART. 91. The privilege and benefit of the *habeas corpus* shall be enjoyed in this State in the most free, easy, cheap, expeditious, and ample manner, and shall not be suspended by the Legislature except upon the most urgent and pressing occasions, and for a time not exceeding three months.

ART. 92. The enacting style, in making and passing acts, statutes, and laws, shall be, *Be it enacted by the Senate and House of Representatives in General Court convened.*

ART. 93. No Governor or judge of the supreme judicial court shall hold any office or place under the authority of this State, except such as by this Constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace throughout the State; nor shall they hold any place or office or receive any pension or salary from any other State, government, or power whatever.

ART. 94. No person shall be capable of exercising at the same time more than one of the following offices in this State, viz.: judge of probate, sheriff, register of deeds; and never more than two offices of profit, which may be held by appointment of the Governor, or Governor and Council, or

Senate and House of Representatives, or superior or inferior courts, military offices and offices of justices of the peace excepted.

ART. 95. No person holding the office of judge of any court (except special judges), secretary, treasurer of the State, attorney-general, commissary-general, military officers receiving pay from the continent or this State (excepting officers of the militia occasionally called forth on an emergency), register of deeds, sheriff, or officers of the customs, including naval officers, collectors of excise and state and continental taxes hereafter appointed, and not having settled their accounts with the respective officers with whom it is their duty to settle such accounts, members of Congress, or any person holding any office under the United States, shall at the same time hold the office of Governor, or have a seat in the Senate or House of Representatives or Council; but his being chosen and appointed to and accepting the same shall operate as a resignation of his seat in the chair, Senate, or House of Representatives, or Council, and the place so vacated shall be filled up. No member of the Council shall have a seat in the Senate or House of Representatives.

ART. 96. No person shall ever be admitted to hold a seat in the Legislature, or any office of trust or importance under this government, who, in the due course of law, has been convicted of bribery or corruption, in obtaining an election or appointment.

ART. 97. In all cases where sums of money are mentioned in this Constitution, the value thereof shall be computed in silver at six shillings and eight pence per ounce.

ART. 98. To the end that there may be no failure of justice or danger to the State by the alterations and amendments made in the Constitution, the General Court is hereby fully authorized and directed to fix the time when the alterations and amendments shall take effect, and make the necessary arrangements accordingly.*

ART. 99. It shall be the duty of the selectmen and assessors of the several towns and places in this State, in warning the first annual meetings for the choice of senators, after the expiration of seven years from the adoption of this Constitution as amended, to insert expressly in the warrant this purpose among the others for the meeting, to wit: to take the sense of the qualified voters on the subject of a revision of the Constitution; and the meeting being warned accordingly, and not otherwise, the moderator shall take the sense of the qualified voters present as to the necessity of a revision; and a return of the number of votes for and

* See act of December 14, 1792.

against such necessity shall be made by the clerk, sealed up and directed to the General Court at their then next session; and if it shall appear to the General Court by such return that the sense of the people of the State has been taken, and that, in the opinion of the majority of the qualified voters in the State present and voting at said meetings, there is a necessity for a revision of the Constitution, it shall be the duty of the General Court to call a convention for that purpose; otherwise the General Court shall direct the sense of the people to be taken, and then proceed in the manner before mentioned; the delegates to be chosen in the same manner and proportioned as the representatives to the General Court; *provided*, that no alteration shall be made in this Constitution before the same shall be laid before the towns and unincorporated places and approved by two thirds of the qualified voters present and voting on the subject.

ART. 100. And the same method of taking the sense of the people as to a revision of the Constitution and calling a convention for that purpose shall be observed afterward, at the expiration of every seven years.

ART. 101. The form of government shall be enrolled on parchment and deposited in the secretary's office, and be a part of the laws of the land, and printed copies thereof shall be prefixed to the books containing the laws of this State in all future editions thereof.

[ART. 102. *The sale, or keeping for sale, or manufacture of alcoholic or intoxicating liquor, except cider, or of any compound of which such liquor is a part, to be used as a beverage, is a misdemeanor, and is hereby prohibited.*]

STATE OF NEW HAMPSHIRE.

IN CONSTITUTIONAL CONVENTION AT CONCORD,

JANUARY 11, 1889.

On the report of the committee on the time when and the manner in which the several amendments of the Constitution proposed by this Convention shall be submitted to the legal voters of this State for their action, the following resolutions were adopted:

THE STATE OF NEW HAMPSHIRE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND EIGHTY-NINE.

In the convention of delegates assembled at Concord, on the first Wednesday of January, in the year of our Lord one thousand eight hundred and eighty-nine, for the purpose of revising the Constitution of this State, in pursuance of an act of the Legislature passed November fifth, in the year of our Lord one thousand eight hundred and eighty-seven, —

I. *Resolved*, That the alterations and amendments proposed to the Constitution shall be submitted to the qualified voters of the State at meetings to be called and holden in the several towns, city wards, and places in the State, on the second Tuesday of March, in the year of our Lord one thousand eight hundred and eighty-nine, to be by them acted upon at said meetings, or any adjournment thereof within the same week.

II. *Resolved*, That the selectmen of the several towns, wards, and places in the State be directed to insert in their warrants, calling the said meetings, an article to the following effect: "To

take the sense of the qualified voters whether the alterations and amendments of the Constitution proposed by the constitutional convention shall be approved."

III. *Resolved*, That the sense of the qualified voters shall be taken by ballot upon each of the following questions submitted to them by this convention :

1. Do you approve of changing the time for the meeting of the Legislature from June to January, and of changing the time when the terms of office of the executive and legislative departments shall commence, and the other amendments in conformity therewith, as proposed in the amended Constitution ?

2. Do you approve of compensating the members of both houses of the Legislature, by a fixed salary, as proposed in the amended Constitution ?

3. Do you approve of filling vacancies in the Senate by a new election, as proposed in the amended Constitution ?

4. Do you approve of having the Speaker of the House act as Governor, in case of vacancies in the offices of Governor and President of the Senate, as proposed in the amended Constitution ?

5. Do you approve of inserting in the Constitution an article prohibiting the manufacture or sale, or keeping for sale, of alcoholic or intoxicating liquor as a beverage, as proposed in the amended Constitution ?

6. Do you approve of amending Article six of the Bill of Rights, making the same non-sectarian, as proposed in the amended Constitution ?

7. Do you approve of amending the Constitution with reference to representation in classed towns, as proposed in the amended Constitution ?

IV. *Resolved*, That the votes on the said questions shall be recorded, copied, sealed up, labelled, directed, and returned by the town clerks to the secretary of state, on or before the first Tuesday of April, A. D. 1889, under the same penalty as is by law prescribed for neglect to return the votes for Governor, and said votes shall be by the secretary of state seasonably laid before the Governor and Council.

V. *Resolved*, That the secretary of state is hereby directed to furnish blanks to the town clerks of the different towns, wards, and places, for the return of the votes on said questions, in the following form :

“STATE OF NEW HAMPSHIRE.

“TOWN OF _____, COUNTY OF _____. At a legal meeting of the qualified voters of the town of _____, holden on the second Tuesday of March, A. D. 1889, the votes on the several questions involving the alterations and amendments of the Constitution, submitted to the qualified voters, were as follows :

“Question 1st, — Yeas, _____. Nays, _____.

“Question 2d, — Yeas, _____. Nays, _____, etc., etc., to and including question 7.

“ Attest : _____ *Town Clerk.*”

VI. *Resolved*, That the secretary of this convention be directed to procure to be printed one hundred and twenty thousand copies of the Constitution as altered and amended by this convention, and the same number of copies of the questions to be proposed to the qualified voters, and the same number of these resolutions, and to cause the same to be distributed, as soon as may be, to the town clerks of the respective towns, wards, and places in the State, for the use of the qualified voters, in numbers proportionate as near as may be to the number of the legal voters in the said respective towns, wards, and places ; and it is made the duty of said clerks seasonably to distribute the same among said voters.

VII. *Resolved*, That the secretary of state be also required to furnish an equal number of printed ballots containing said questions to be thus voted upon, and that they be distributed to the town clerks as provided in the preceding resolution, a reasonable time previous to said March meetings, to be by them seasonably distributed at said meetings.

VIII. *Resolved*, That the Governor and Council, prior to the third Tuesday of April, A. D. 1889, shall open and count said votes, and make a record thereof ; and the Governor shall forthwith issue his proclamation announcing the result of the vote on each of said questions submitted to the people.

